

# **EXHIBIT 2**

2762

PATENT  
Attorney Docket No. 06502.0046-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

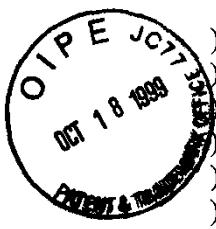
Frank Yellin et al.

Serial No.: 09/055,947

Filed: April 7, 1998

For: METHOD AND SYSTEM FOR  
PERFORMING STATIC  
INITIALIZATION

Assistant Commissioner for Patents  
Washington, D.C. 20231



Group Art Unit: 2762

Examiner: Kelvin E. Booker

TC 2762  
07/15/99  
RECEIVED  
U.S. PATENT & TRADEMARK OFFICE

Sir:

**AMENDMENT**

Applicants submit this amendment in response to the Office Action dated July 21, 1999.

**IN THE CLAIMS:**

Please amend claim 1 as follows:

1. (Amended) A method in a data processing system for statically initializing an array, comprising the steps of:

compiling source code containing the array with static values to generate a class file with a clinit method containing byte codes to statically initialize the array to the static values;  
receiving the class file into a preloader;

LAW OFFICES  
FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N.W.  
WASHINGTON, D.C. 20005  
202-408-4000

71

simulating execution of [play executing] the byte codes of the clinit method against a memory without executing the byte codes to identify the static initialization of the array by the preloader;

storing into an output file an instruction requesting the static initialization of the array; and

interpreting the instruction by a virtual machine to perform the static initialization of the array.

#### REMARKS

Claims 1-23 are pending in the application. In the Office Action, the Examiner rejected claims 1 and 3 under 35 U.S.C. §102(b) as being anticipated by Cierniak, "*Briki: an optimizing Java compiler*"; objected to claims 2, 4, and 5 as depending upon a rejected base claim; and allowed claims 6-23. Responsive to the rejection of claims 1 and 3, applicants have amended claim 1 to more particularly point out and distinctly claim the subject matter of applicants' invention.

Applicants wish to thank the Examiner for his consideration during the telephone interview with applicants' attorney on October 13, 1999. During the interview, applicants' attorney and the Examiner agreed on an amendment to claim 1 that would further clarify the distinctions between the claim and the cited art. Applicants' attorney and the Examiner also agreed that this amendment rendered all of the pending claims allowable over the cited art, although a subsequent search by the Examiner would be performed.

Based upon the above amendments and remarks, applicants submit that all of the pending

LAW OFFICES  
FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N.W.  
WASHINGTON, D.C. 20005  
202-408-4000

claims are either allowed or clearly allowable, and thus, applicants request the issuance of a Notice of Allowance. Additionally, applicants respectfully request that the Examiner call applicants' attorney if it would expedite prosecution.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By: \_\_\_\_\_

Michael L. Kiklis  
Reg. No. 38.939

Dated: October 18, 1999

RECEIVED  
U.S. PATENT AND TRADEMARK OFFICE  
OCT 19 1999  
TC 21-1214-9901